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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,554	10/10/2001	Markus Lindqvist	4208-4026	7197
27123 7590 04/30/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER TRAN, ELLEN C	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/974,554

Applicant(s)

LINDQVIST ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communication: 20 February 2007 with acknowledgement of an original application filing date of 10 October 2001.
2. Claims 1-32 are currently pending in this application. Claims 1-28 and 32 are withdrawn. Claim 29 is an independent claim.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 February 2007 has been entered.

Response to Arguments

4. Applicant's arguments with respect to 29-31 have been considered but they are not persuasive.

In response to Applicant's argument beginning on page 2, "Applicants respectfully submit that Slik fails, for example to disclose, teach or suggest: "... one or more global caster modules ... and one or more local caster modules ... The Office Action, apparently equating the "one or more global caster modules" of the claim with "content provider 14" of Slik and the "one or more local caster modules" of the claim with "distribution router 16" of Slik". The Examiner disagrees with argument as well as Applicant's interpretation of the previous Office Action. First the Examiner interprets global casters modules to be any of the server/computer/system that would store content that is being distributed to the public by a broadcast method, i.e. a television

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show on NBC, national news. The Examiner interprets 'local caster modules' to be equivalent to the server/computer/system that would store content that is being distributed to a specific area, i.e. commercials/advertisements targeting a specific city. In addition after a through review of Applicant's specification, the Examiner requests that Applicant add more details into the claims, to distinguish the claimed invention from the prior art reference. For example paragraph 0006 of Applicants publication indicates the invention is a datacast system utilizing DVB-T network and paragraph 0042 discusses 'scheduling intelligence module'.

In response to Applicant's argument on page 3, "Applicants respectfully observe that even if the Office Action's equations are taken to be true for the sake of argument, Slik would still fail, for instance, to disclose, teach, or suggest that the network that "distribution router 16" uses to transmit the "content and metadata" is the same network as the "distribution network". The Examiner disagrees with argument and Applicants interpretation of the Office Action. The 'cable provider' is connected to the modules that store the content for deliver and distributes the content.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

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6. **Claims 29-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Slik U.S. Patent No. 7,028,071 (hereinafter '071).

As to independent claim 29, "A system for distribution of content over a wireless link, comprising" is taught in '071 col. 3, lines 4-18 "Content can be, but is not limited to, audio, video, data, graphics, text and multimedia information. The content is preferably transmitted via a distribution system which can be a communications network including, but not limited to, direct network connections ... (e.g., physical paths and wireless paths). For example, content can be sent via satellite or other wireless path";

"one or more global caster modules, wherein each of the global caster modules receives content to distribute to all locations in a network" is shown in '071 col. 3, lines 21-23 "The user devices preferably locate, request and obtain content from a plurality of content providers referred to generally as 14 (e.g., a broadcast station 14a) via a distribution router. A content provider 14 can be an entity that places content and metadata associated therewith onto a distribution network (e.g., via radio or television stations or a cable television headend)", note plurality of content providers is the 'one or more global caster modules';

"one or more local caster modules, wherein each of the local caster modules receives content to distribute to only certain location in said network; and" is disclosed in '071 col. 3, lines 44-47 "Content providers 14 can also be advertisement providers 14b, new services 14n, pay content services, and so on, which provide their specific streams of content upon demand", note 'local caster modules' are equated to content providers of a specific stream or service to a 'certain location';

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“one or more transmission devices associated with at least one of the modules” is taught in ‘071 col. 3, lines 26-29, note the content distributor inherently has transmission devices and provides at least content from either ‘local’ i.e. specific or ‘global’ i.e. broadcast caster modules.

As to dependent claim 30, **“one or more broker modules”** is taught in col. 5, lines 34-36 “A number of market servers can be employed to manage larger sizes of CDS systems 10” note the ‘broker modules’ is interpreted to be the ‘market server’;

“each broker module receiving content from at least one local caster module” is shown in ‘071 col. 6, lines 22-26 “In response to the user input device, the user device 12 initiates a transaction through the distribution router 16 to the market server 20, sending the metadata from the content block or reference content block being received when the "buy" button was depressed”, note the local caster module is interpreted to be equivalent to the specific content the user has selected;

“and at least one global caster module” is disclosed in ‘071 col. 7, line 64 through col. 8, line 13 “The CDS 10 provides a number of advantages to broadcast stations and other content providers 14 by providing additional revenue streams from goods and services sold as a byproduct of content and programming. In addition, a broadcast station can expand into a product sales business by enabling content and programming to be repackaged into saleable goods such as transcripts, recordings, and the like. The user device interface, distribution router 16, and market server allow real-time information collection and feedback such as voting and requests, as well as fee-based content services such as audio /video jukebox services, or pay radio or pay television. Real-time data collection is provided based on user behaviors. The

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effectiveness of advertising and promotions is increased by allowing request-based distribution of products such as literature and promotional packages”, note the ‘global caster module’ is interpreted to be equivalent to the ‘broadcast station’.

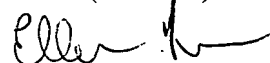
As to dependent claim 31, “each of said one or more transmission devices is associated with one or more of said broker modules” is taught in ‘071 col. 6, lines 22-26, note a server contains a transmission device.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ellen Tran
Patent Examiner
Technology Center 2134
26 April 2007